



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 5236 of 2022

and

W.M.P. Nos. 5323 to 5325 of 2017

1.K.Manikandan
2.R.Ganesan
3.S.Saravanan
4.P.Sambath
5.N.Mayavan
6.K.Mariyappan
7.R.Petchimuthu
8.M.Kalavathy
9.G.Jannet
10.M.R.Chandramathi
11.A.Mothilal
12.P.Sivakumar
13.A.Kalaimathi
14.P.Gomathi
15.R.Sudha

...Petitioners

-vs-

1. The State of Tamil Nadu
Rep. by Commissioner and Secretary to Govt.
Labour and Employment Department
Fort St. George, Chennai - 600 009.

2. The Commissioner of Labour
Chennai - 600 006.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the proceedings of the Second Respondent in the proceedings in E2/12600/2019 dated 17.02.2022 and quash the same as illegal.

For Petitioner : Mr. K.M.Vijayan
Senior Counsel
For M/s. K.M.Vijayan Associates

For Respondents : Mr. V.Jeevagiridharan
Additional Government Pleader



O R D E R

Heard Mr. K.M.Vijayan, Learned Senior Counsel appearing for the Petitioners and Mr. V.Jeevagiridharan, Learned Additional Government Pleader, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners have earlier challenged the Proceedings No. E4/46812/ 2016 dated 08.12.2016 issued by the Second Respondent and the consequential Order No. E4/5115/2018 dated 27.02.2018 declaring inter se seniority to the post of Assistant Inspector of Labour in the Writ Petition in W.P. No. 21142 of 2018 before this Court. When that Writ Petition came up for hearing on 20.08.2018, no interim had been granted and the matter was posted to 10.09.2018 on request of the then Learned Additional Government Pleader, who had taken notice for the Respondents, to get instructions in the matter. Subsequently, persons similarly placed to the Petitioners filed the Writ Petitions in W.P. Nos. 29973 and 29981 of 2018, which came up for admission on 15.11.2018 and while posting those cases to 29.11.2018 to be heard along with W.P. No. 21142 of 2018, status quo was required to be maintained till then and by order dated 07.01.2019, it was extended until further orders which continued to be in force till 11.02.2022. Since Learned Counsel for the Petitioner had expressed his inability for making submissions either in the main cases or in the applications for interim orders injunctions and sought for adjournment during the hearing of those cases on 11.02.2022, this Court following the dictum laid down by the Hon'ble Supreme Court of India in Asian Resurfacing of Road Agency Pvt. Ltd., -vs- Central Bureau of Investigation [(2018) 16 SCC 299] that unreasoned interim orders should not continue to be in force beyond six months, had vacated the interim order and observed that though the concerned authorities are not precluded from proceedings further to make any promotions in furtherance to the impugned orders in accordance with law, the same shall be subject to further orders in those cases and shall also be specifically mentioned therein. It requires to be noticed here that the said Writ Petitions and the applications for interim orders are still pending and it is only the applications to vacate the interim order that have been disposed. Thereafter, the Second Respondent by Order No. E2/12600/2019 dated 17.02.2022 called for certain particulars relating to the individuals mentioned in the annexure thereto, who had been found fit for promotion as Deputy Inspector of Labour, which is assailed in this Writ Petition.

3. It would be evident from the sequence of events narrated that the present Writ Petition relates to the same cause of action in W.P. No. 21142 of 2018, which is pending



before this Court and the Petitioners cannot project as if any new right has arisen from the impugned order so as to file this Writ Petition. In other words, the present attempt made by the Petitioners clearly amounts to re-litigation abusing the legal process, which cannot be countenanced. In such circumstances, while observing that no view has been expressed by this Court on the merits of the factual controversies involved in the matter, it is not possible to entertain this Writ Petition.

In fine, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(Digit)

//True Copy//

Sub Assistant Registrar

Maya

To

1.The Commissioner and Secretary to Govt.
Labour and Employment Department
Fort St. George, Chennai - 600 009.

2.The Commissioner of Labour
Chennai - 600 006.

+1cc to the Government Pleader, S.R.No.15836
+1cc to Mr.K.M.Vijayan, Advocate, S.R.No.15570

W.P. No. 5236 of 2022

AK II(CO)
KKV/11/03/2022